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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,947	11/08/2000	Mark E. Simcik	770-009619-U	7983

2512 7590 11/03/2005

PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER
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DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,947

Applicant(s)

SIMCIK ET AL.

Examiner

Thomas A. Dixon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 16-28, 38-45 is/are allowed.
- 6) ☒ Claim(s) 7-15, 29-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-3-2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The reply filed on 20 October 2003 has been considered, but is not convincing.
2. Applicant's statement that the amendments to claims 11, 16, 33 and 38 are not limiting, appears to indicate that they are merely non-functional descriptive material and have no weight for purposes of patentability, therefore, the previous rejections remain.
3. The ids filed on 3 November 2003 has been considered.
4. Claims 7-12 and 29-45 have been rejected under 112 as being indefinite and inoperative, as no amendments have been made to these claims, the rejections stand.
5. Applicant is reminded that although the specification may be enabling, it is improper to read limitations of the specification into the claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7-12 and 29-37 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the computations" and "the first one of the computations". There is insufficient antecedent basis for this limitation in the claim.

"the plurality of computations" lacks antecedent basis.

Claim 29 recites the limitation "the computations" and "the first one of the computations". There is insufficient antecedent basis for this limitation in the claim.

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The preamble states that the apparatus includes a number of processors, yet the body of the claim says that the number of processors is a function of the durations of the computations where “the” refers to the computations used to form the code. Does this mean the apparatus changes in response to the duration detected to calculate the code, or is it that the duration is known ahead of time and the apparatus is arranged accordingly. Finally, is there actual generation of the code in the claim? The positively recited step with respect to the code is “selecting” one of the processors “to generate” the code. There is no clear step of “generating”.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 29 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. While the method is for use in an apparatus in the preamble, the two positively recited steps of receiving and selecting are not specifically tied back to the apparatus, it is unclear if the claim is in the technological arts.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 7 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Obermeir et al (5,559,890) and under 35 U.S.C. 102(e) as being anticipated by Goldstein et al (6,128,735) and Goff et al (6,347,143).

Claim 7 appears to be a "product by process" claim, the number of processors being based on the duration of computation. The claim is drawn to the resultant apparatus: an interface, a selector and N processors. The manner in which N is determined wouldn't serve to distinguish the resultant structure of the apparatus from another system that also had N processors or even more than N processors. Prior art that includes multiple encryption elements and a selector to route the data to include Obermeir et al (5,559,890), see figure 4, Goldstein et al (6,128,735) and Goff et al (6,347,143).

Obviously, parallel processors divide up the work and allow increases in speed.

#### ***Examiner's Amendment***

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

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claim 7, lines 2-3, change the phrase "for authenticating" to "for use when authenticating"

Claim 29, line 1, change the phrase "for authenticating" to "for use when authenticating"

Authorization for this examiner's amendment was given in a telephone interview with Examiner Cosimano and Mr Gamberdell on 7 January 2004.

***Allowable Subject Matter***

10. Claims 1-6, 16-28, 38-45 are allowable.

11. The following is an examiner's statement of reasons for allowance:

The prior art of record:

1) Haruki et al (4,632,252) or Szewerenko et al disclose assigning tasks within a processing system to various units based on the operational demands of the system.

2) Kanehara (JP 11-27311 A) discloses the use of a number of different encryption devices, the inclusion of an indication of the encryption device used in the transmitted information and the selection of a decryption device based on information contained in the transmitted information.

3) Cordery et al (6,073,125) discloses the selection of one of a number of authentication units based on the key used to produce the authentication information

As per Claims 1 and 24.

The prior art of record does not disclose or fairly teach using one of a plurality of processors to verify a subset of accounting transactions where the processor used to verify the subset of accounting transactions is the processor that is associated with the subset of accounting transactions, claims 2-6 and 25-28 are allowable for the same reasons.

As per Claims 16 and 38.

The prior art of record does not teach or suggest using a first processor to produce various data elements in an ensemble of postage information and select one of a plurality of second processors to generate at least one element of a postage indicia from the ensemble of information for the transaction. Claims 17-23 and 39-45 are allowable for the same reasons.

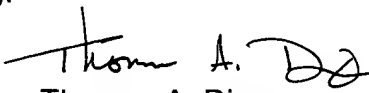
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thomas A. Dixon  
Primary Examiner  
Art Unit 3639

October 05